

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**EARNEST L. PHILLIPS,**

**Plaintiff,**

**vs.**

**Case No.: 2:19-cv-1120  
JUDGE GEORGE C. SMITH  
Magistrate Judge Deavers**

**COLUMBUS POLICE DEPARTMENT, et al.,**

**Defendants.**

**ORDER**

On April 17, 2019, the United States Magistrate Judge issued an *Initial Screen Report and Recommendation* recommending that the Court dismiss Plaintiff's action in its entirety failure to state a claim on which relief may be granted. (See *Initial Screen Report and Recommendation*, Doc. 4). The parties were advised of their right to object to the *Initial Screen Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Initial Screen Report and Recommendation*.

The *Initial Screen Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. Plaintiff's Complaint is hereby dismissed pursuant to 28 U.S.C. §§1915(e)(2)(B) and 1915A for failure to state a claim on which relief may be granted. Further, pursuant to 28 U.S.C. §1915(a)(3), an appeal of this Order would not be taken in good faith and therefore if Plaintiff moves for leave to appeal *in forma pauperis*, such motion would be denied.

The Clerk shall remove Document 4 from the Court's pending motions list and close this case.

**IT IS SO ORDERED.**

/s/ George C. Smith  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**